

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACK STEIN,

Petitioner,

v.

JAMES SPAULDING,

Respondent.

Case No. C04-5499FDB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

The Report and Recommendation recommended that this habeas corpus petition be dismissed without prejudice as unexhausted. The Court adopted the R&R, and denied reconsideration. Under these circumstances, a certification of appealability is DENIED.

SO ORDERED.

DATED this 28<sup>th</sup> day of July, 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE